

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WILLIAM KREGLER,

Plaintiff,

- against -

CITY OF NEW YORK et al.,

Defendants.
-----X

08 Civ 6893

ORDER

VICTOR MARRERO, United States District Judge.

The Court held a conference on May 29, 2009 to establish the parameters for a hearing pursuant to Fed. R. Civ. P. 12(I) regarding the defendants' motion to dismiss. As discussed at the conference, it is hereby

ORDERED that a hearing shall take place on July 20, 2009; and it is further


ORDERED that the plaintiff William Kregler ("Kregler") and the defendants produce discovery to each other that is relevant to the issues to be considered at the hearing, including records of pertinent communications and the file for Kregler's application for the position of City Marshal. The issues to be considered at the hearing are: (1) whether the individual defendants had any personal involvement in the decision to deny Kregler's application for City Marshal; and (2) whether there was a causal connection between Kregler's endorsement of Robert Morgenthau for District Attorney for New York County in 2005 and the decision by the New York City Department of Investigation to deny Kregler's application for the

City Marshal position. Discovery regarding these issues shall be provided on a rolling basis, but production of discovery for the purpose of the hearing shall be completed by June 29, 2009; and it is further

ORDERED that Kregler and defendants Louis Garcia, Brian Grogan, Rose Gill Hearn, and Keith Schwam appear at the hearing scheduled for one day on July 20, 2009 commencing at 9:30 a.m. and that the parties confer and develop a schedule detailing the order and duration of each witness.

SO ORDERED.

Dated: New York, New York
1 June 2009



Victor Marrero
U.S.D.J.